

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christina Vuong	Team: Squad #16	CCRB Case #: 201409997	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 09/26/2014 5:48 PM	Location of Incident: § 87(2)(b)	Precinct: 83	18 Mo. SOL 3/26/2016	EO SOL 3/26/2016	
Date/Time CV Reported Sat, 09/27/2014 12:14 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 09/27/2014 12:14 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. POM Andre Perez	12199	945277	083 PCT
3. POM Mark Amundson	29440	932250	083 PCT
4. POM Ryan Galvin	08096	948997	081 PCT
5. SGT EreK Powers	05297	944907	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Tinina Alexander	01093	951487	083 PCT
2. POM Joseph Giannina	29356	950490	083 PCT
3. SGT Rayna Madho	4816	939829	PBBN
4. LT Henry Sung	00000	898607	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Andre Perez	Abuse: PO Andre Perez entered the backyard of § 87(2)(b) in Brooklyn.	
B.POM Ryan Galvin	Discourtesy: PO Ryan Galvin spoke rudely to § 87(2)(b) and § 87(2)(b)	
C.POM Ryan Galvin	Force: PO Ryan Galvin used physical force against § 87(2)(b) and § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b)	
E.SGT EreK Powers	Abuse: Sgt. EreK Powers supervised the entry of § 87(2)(b) in Brooklyn.	
F.POM Ryan Galvin	Abuse: PO Ryan Galvin drew his gun.	
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On September 26, 2014 at 5:48 p.m., an unidentified store employee of the BP gas station located at 1379 Halsey Street in Brooklyn called 911 and reported that an individual identified by the investigation as § 87(2)(b) had attempted to make a purchase with counterfeit money. PO Tinina Alexander and PO Daniel Giannina of the 83rd Precinct responded to the incident location, and § 87(2)(b) fled on foot when the officers attempted to place him under arrest. PO Alexander and PO Giannina transmitted the direction of the foot pursuit and requested additional units.

An officer identified by the investigation as PO Andre Perez of the 83rd Precinct pursued § 87(2)(b) into the backyard of § 87(2)(b) the residence of § 87(2)(b) and his brother § 87(2)(b) (**Allegation A**).

Officers identified by the investigation as Sgt. Erek Powers and PO Ryan Galvin of the 81st Precinct interacted with § 87(2)(b) on the porch of § 87(2)(b). PO Galvin allegedly cursed at § 87(2)(b) and § 87(2)(b) (**Allegation B**). PO Galvin allegedly grabbed § 87(2)(b) and threw him off of the porch and down the stairs (**Allegation C**), where he was handcuffed by an officer identified by the investigation as PO Mark Amundson of the 83rd Precinct. § 87(2)(b) alleged that an unidentified officer kicked the front door, which he had closed, after which Sgt. Powers and PO Galvin entered the house (**Allegation D**).

Inside of the house, PO Galvin allegedly pushed § 87(2)(b) to the floor (within **Allegation C**) and drew his gun (**Allegation E**).

Unidentified officers, including PO Perez, led § 87(2)(b) from the backyard out to the front of the house. An unidentified officer allegedly cursed at § 87(2)(b) (**Allegation F**).

The investigation determined that Lt. Henry Sung of the 83rd Precinct and Sgt. Rayna Madho of Patrol Borough Brooklyn North also responded to the incident location.

§ 87(2)(b) was transported to the 83rd Precinct stationhouse, where PO Alexander released him with a summons for disorderly conduct, noting that he was causing public alarm by yelling, cursing, and screaming, causing annoyance to the public. § 87(2)(b) was arrested for possession of a forged instrument and resisting arrest. (06 Board Review)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation, stating that he did not care to hear the subject officers' account of the incident.
- As of May 15, 2015, § 87(2)(b) and § 87(2)(b) have not filed a notice of claim in regards to this incident.
- Multiple calls were placed on May 15, 2015, May 18, 2015, and May 19, 2015 to the Kings County Criminal Summons Disposition hotline to find out the disposition of § 87(2)(b) summons, but there was no answer.

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint in which § 87(2)(b) and § 87(2)(b) are involved.
- PO Perez has been a member of the service for seven years and there are no substantiated CCRB allegations against him. § 87(2)(g)
- Sgt. Powers has been a member of the service for seven years and there are no substantiated CCRB allegations against him. A previous entry/search allegation was exonerated.
- PO Galvin has been a member of the service for four years and there is one substantiated CCRB allegation against him. § 87(2)(g)
- PO Amundson has been a member of the service for 11 years and there are no substantiated CCRB allegations against him. § 87(2)(g)

Video Footage (02 Board Review, 03 Board Review)

- § 87(2)(b) neighbor § 87(2)(b) recorded a 5:02 minute-long cell phone video of the incident, which he posted on Youtube under the heading, “§ 87(2)(b)
- § 87(2)(b) is an attached house, with a driveway in between § 87(2)(b). The path leading to the front door of § 87(2)(b) are three steps leading to a landing several feet in length followed by four or five more steps leading to a smaller landing by the front door.
- § 87(2)(b) approached § 87(2)(b) from the east, and remained at least two houses away for the duration of the video. Because the entrance to § 87(2)(b) is recessed in comparison to § 87(2)(b), and due to the elevated brick porch and front entrance of § 87(2)(b), § 87(2)(b)'s camera angle fails to capture any events on the landings, steps, or by the front door of § 87(2)(b)
- The video opens with at least 10 uniformed and plainclothes officers walking along the block looking around. Sgt. Madho is visible towards the beginning of the video and does not reappear again until the 2:29 minute mark.
- At the 0:30 minute mark, the camera turns to focus on a plainclothes white male officer identified by the investigation as PO Galvin and an unidentified uniformed officer standing on the lower landing of § 87(2)(b). It is unclear if they are interacting with anyone and no conversation is audible.
- By the 0:50 minute mark, most of the officers, including those identified by the investigation as Sgt. Powers (plainclothes black male officer) and PO Amundson (plainclothes white male officer) appear to go through the driveway between § 87(2)(b).
- At the 1:10 minute mark, the top of § 87(2)(b) (dressed in a white t-shirt) body suddenly appears on the lower landing and is yelling and cursing at a uniformed officer dressed in a white shirt identified by the investigation as Lt. Sung and four or five unidentified uniformed officers, who do not appear to react. § 87(2)(b) (dressed in a white tank top), who is moving his hands, is seen standing behind § 87(2)(b). It is unclear if § 87(2)(b) is making any statements. No prior interaction between § 87(2)(b) and § 87(2)(b) or any officers is evident. The officers walk past § 87(2)(b) towards the driveway.
- At the 1:23 minute mark, § 87(2)(b) and § 87(2)(b) disappear from view of the camera.
- At the 1:32 minute mark, PO Galvin and Sgt. Powers come around from the driveway and walk up the path to § 87(2)(b). They disappear from the video until the 3:16 minute mark.
- At the 1:39 minute mark, PO Amundson also comes around the driveway and starts walking towards § 87(2)(b)
- At the 1:43 minute mark, a male voice in the background yells, “Ai yi yi,” as § 87(2)(b) upper body is seen moving forward down the stairs at a rapid speed. No officer is shown making

physical contact with his body. No other conversation or statements are audible. A second later, PO Amundson, who has reached the base of the lower steps at this time, bends down as if to reach for something towards the lower landing. At the 1:46 minute mark, he appears to slightly lift and bring § 87(2)(b) from the bottom landing and guide him down onto the sidewalk, on his left side. It is unclear from the video where § 87(2)(b) was positioned before and how § 87(2)(b) came to be on the lower landing of the stairs.

- At the 1:47 and 1:49 minute mark, there are two sounds of banging, but the source is unclear.
- At the 1:52 minute mark, an unidentified light-skinned bald uniformed male officer and a medium-skinned uniformed male officer with short black hair, appear to run up the stairs of § 87(2)(b).
- PO Amundson and an unidentified uniformed male officer lift § 87(2)(b) from the sidewalk without apparent difficulty and appear to handcuff him (not captured on camera) without incident while he is standing. It is not clear from the video whether PO Amundson's knee was ever on § 87(2)(b) back. It is unclear whether § 87(2)(b) had any injuries on his person, and he does not appear to be verbally interacting with any officers.
- At the 3:06 minute mark, a plainclothes male officer identified by the investigation as PO Perez is seen holding onto one of § 87(2)(b)'s arms. He is already handcuffed, and they are on the sidewalk near the RMPs. The video does not show from where § 87(2)(b) and PO Perez had come. There does not appear to be any injuries to PO Perez or § 87(2)(b) does not appear to be resisting or making any statements.
- By the 3:31 minute mark, § 87(2)(b) is seen in the back of an RMP, which drives away. The rest of the officers dispersed from the location.
- At the 4:38 minute mark, § 87(2)(b) remarks to a neighbor that the officers "must have threw § 87(2)(b) off of the upper landing because they did not like how he was screaming and cursing at them.
- § 87(2)(b)'s video captured at least seven civilians spread out in the vicinity of the incident location on the sidewalk, across the street, in the street, on the steps of the nearby houses, and watching the incident. There are 15 to 20 officers on scene at the conclusion of the incident.

Potential Issues

- § 87(2)(b) and § 87(2)(b) are strangers to § 87(2)(b).
- § 87(2)(b) stated that his elderly mother, whom he refused to identify but was identified by the investigation as § 87(2)(b) was inside the house at the time of the incident. § 87(2)(b) refused to provide contact information for his mother, stating that she was schizophrenic and unstable. § 87(2)(b) did not respond to a please call letter.
- Two please call letters were mailed to § 87(2)(b) at the address listed on his arrest worksheet, which was confirmed via a Lexis-Nexis database search that yielded an apartment number. However, the letters were returned to the CCRB by the United States Postal Service as undeliverable. § 87(2)(b)'s arrest worksheet did not list any additional contact information. A copy of the letter was emailed to § 87(2)(b) at the email address listed on the Lexis-Nexis search results, but was returned as undeliverable. Five voicemails requesting a callback were left on the cell phone number for § 87(2)(b) listed on the Lexis-Nexis search results. A check of the New York City Department of Correction website on May 14, 2015 revealed that § 87(2)(b) is not presently incarcerated. As of the date of this report, § 87(2)(b) has not contacted the CCRB to provide a statement.
- A Google Streetview Map of § 87(2)(b) showed that it is a residential block, and there is no evidence of any NYPD cameras or external surveillance systems along the street (04 Board Review).
- On December 15, 2014, the CCRB Field Team conducted fieldwork at the incident location. They failed to locate any witnesses to the incident but distributed ten please call letters to the surrounding houses. Only one response was received in regards to the letters: § 87(2)(b), who resides at § 87(2)(b). § 87(2)(b) contacted the CCRB via phone and stated that she was not home during the incident.

- The SPRINT Event Summary only listed three responding units, all of whom were interviewed. Although § 87(2)(b)'s video showed upwards of 15 to 20 officers on scene, only PO Alexander, PO Giannina, Lt. Sung, Sgt. Madho, PO Perez, PO Amundson, Sgt. Powers, and PO Galvin were interviewed. Furthermore, the interviewed officers could not independently recall which other officers responded, and could not identify from § 87(2)(b)'s video any officers besides the ones already interviewed. Given that the misconduct allegations were directed at a small number of officers on scene, who were already identified by the investigation, additional witness officer interviews were determined to be unnecessary.

NYPD Document

- SPRINT Event Summary #§ 87(2)(b) (05 Board Review)
 - The radio communications audio file showed that the 83rd and 81st Precincts share a radio frequency.
 - At 5:48 p.m., an unidentified employee at the BP gas station at 1379 Halsey Street reported that § 87(2)(b) was attempting to use counterfeit money to make a purchase. He provided a description of § 87(2)(b) as a black man wearing a black t-shirt and baseball hat.
 - At 6:06 p.m., Sector G [PO Alexander and PO Giannina] reported that § 87(2)(b) ran towards Halsey Street and Irving Avenue and transmitted another description of § 87(2)(b) including his height and pants color. PO Alexander is out of breath.
 - Various unidentified units come over the radio requesting a repeat of the direction of flight and perpetrator description.
 - At 6:08 p.m., PO Alexander reported that § 87(2)(b) made a left turn on Covert Street.
 - At 6:11 p.m., 83Lt[Lt. Sung] reported that there were “people” behind 327 Covert Street, and that § 87(2)(b) had jumped over the fences.
 - At 6:12 p.m., an unidentified unit reported that § 87(2)(b) was last seen at 345 Eldert Street (street behind Covert Street). 83CrimeSgt [Sgt. Bobe] marked his arrival at 345 Eldert Street.
 - At 6:13 p.m., Lt. Sung transmitted that § 87(2)(b) was running from Eldert Street towards Covert Street, and instructed units to position themselves at all corners of the block.
 - At 6:15 p.m., an unknown unit stated that § 87(2)(b) jumped over the fence at 324 Eldert Street towards Covert Street.
 - Within a minute, an unidentified male voice yelled over the radio, “Somebody got him, somebody got him, I hear him.” Another male voice provides the location as 317 Covert Street. Another voice asks if § 87(2)(b) is in custody, but there is no response. The location is corrected by an unknown male voice to be two houses west of 317 Covert Street. A minute and a half later, an unidentified male voice states that § 87(2)(b) is in custody.
 - At 6:18 p.m., Sgt. Madho reported that 83Crime [PO Perez] has § 87(2)(b) in custody, and is in the rear of § 87(2)(b).
 - No additional units from the 83rd Precinct are listed on the SPRINT as responding to the incident, and there is no indication that 81st Precinct units responded.

Findings and Recommendations

Explanation of Subject Officer Identification

- PO Perez acknowledged apprehending § 87(2)(b) in the backyard of § 87(2)(b). Therefore, a backyard entry allegation is pleaded against him.
- § 87(2)(b) stated that as the uniformed and plainclothes officers led § 87(2)(b) through the house, he § 87(2)(b) an officer curse at § 87(2)(b) but did not see which officer did so. Therefore, a discourtesy allegation is pleaded against “an officer.”
- Sgt. Powers and PO Galvin acknowledged interacting with § 87(2)(b) and entering § 87(2)(b). Based on Sgt. Powers’ rank and his acknowledgement of requesting consent from § 87(2)(b)

§ 87(2)(b) to enter, a supervision of entry allegation is pleaded against him. Sgt. Powers is a 5'8" tall, 165-lb black man. Because PO Galvin, a 6'3" tall, 245-lb white man with blonde hair, matches § 87(2)(b) description of the officer who used force against him (a 6'2" to 6'3" tall, 230 to 240-lb plainclothes white male officer with light hair), and acknowledged making physical contact with § 87(2)(b) a physical force allegation is pleaded against him. Because § 87(2)(b) alleged that as PO Galvin entered the house, PO Galvin cursed at § 87(2)(b) pushed him, and drew his gun, the relevant allegations are pleaded against PO Galvin.

- Although § 87(2)(b) and Sgt. Powers stated that they saw two unidentified uniformed male officers standing with § 87(2)(b) in the backyard, and PO Galvin stated that he saw two unidentified plainclothes officers, PO Perez (in plainclothes) stated that he was the only officer who successfully jumped into the backyard, and that he remained there alone with § 87(2)(b) until Sgt. Powers and PO Galvin opened the back door for him. Sgt. Powers and PO Galvin (in plainclothes) did not recall any officers to enter § 87(2)(b) after them. Given the discrepancy in statements and absence of documentary evidence, the investigation was unable to identify any additional officers who entered the backyard, participated in the apprehension of § 87(2)(b) or entered the house.

Allegations Not Pleaded

- **Abuse of Authority:** § 87(2)(b) alleged that after he shut the front door, an unidentified officer kicked and damaged it. Because Sgt. Powers and PO Galvin denied this, and the alleged property damage was in the context of an entry, it is subsumed into the entry allegation.
- **Force:** § 87(2)(b) stated that after he fell onto the lower landing, an officer identified by the investigation as PO Amundson briefly kned him in the back before picking him up. Given the video did not depict any excessive use of force by PO Amundson, that § 87(2)(b) was lying on his side with PO Amundson positioned behind him, and the brief nature of the physical contact, the investigation determined that a kneeling motion would have been incidental to lifting up § 87(2)(b) body. Therefore, no force allegation is pleaded against PO Amundson.
- **Force:** In his in-person statement, § 87(2)(b) stated that as officers led § 87(2)(b) through the back door into the kitchen, PO Galvin kicked the back of § 87(2)(b)'s feet, causing him to trip slightly, after which the officers proceeded to drag him on his toes for several feet before § 87(2)(b) stood upright. However, in his initial phone statement four days prior, § 87(2)(b) alleged that the officers dragged § 87(2)(b) on his knees eight feet through the kitchen, and denied observing any other force. Attempts to contact § 87(2)(b) were unsuccessful. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)
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Absent a consistent description of the alleged force, no force allegation is pleaded on § 87(2)(b)'s behalf.

- **Abuse of Authority:** § 87(2)(b) was summonsed for disorderly conduct, with the notation that he had caused a public alarm by screaming and cursing. § 87(2)(b) although he did not mention he cursed at the officers, acknowledged arguing with PO Galvin, and repeatedly refused to permit the officers entry into § 87(2)(b) PO Galvin and Sgt. Powers consistently stated that § 87(2)(b) was cursing, and did not recall seeing § 87(2)(b) at the scene. § 87(2)(b)'s cell phone video appeared to only show § 87(2)(b) yelling and cursing at the officers, but § 87(2)(b)'s commentary at the end of the video suggests that § 87(2)(b) had also yelled and cursed at the officers at some point prior. It is undisputed that a crowd had gathered near the location § 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g). The investigation was unable to establish whether § 87(2)(b) behaved in a disorderly fashion off-camera, which would merit the issuance of a summons. Therefore, an improper summons allegation is not pleaded.

Recommendations:

Allegation A- Abuse of Authority: PO Andre Perez entered the backyard of § 87(2)(b) in Brooklyn.

It is undisputed that § 87(2)(b) ran away from officers. It is undisputed that PO Perez pursued and apprehended § 87(2)(b) in the backyard of § 87(2)(b) in Brooklyn.

PO Alexander and PO Giannina responded to a report of counterfeit money at 1379 Halsey Street, approximately four blocks away from § 87(2)(b). PO Alexander and PO Giannina stated that § 87(2)(b) fled after PO Giannina removed his handcuffs and instructed him to place his hands behind his back. Multiple police units responded to the officers' call for assistance. § 87(2)(b) who observed the foot pursuit from the second floor of § 87(2)(b) corroborated that many officers were running from all directions after § 87(2)(b) who was changing directions and jumping over fences, before finally climbing over a trash can and jumping into the backyard of § 87(2)(b).

The SPRINT Event Summary captured the foot pursuit of § 87(2)(b) whose detailed physical and clothing description as well as location was transmitted several times, as it chaotically unfolded along Halsey Street, Irving Avenue, Eldert Street, and Covert Street, and in the rear area behind the houses along those blocks.

§ 87(2)(b)'s arrest report confirms his possession of counterfeit money, a Class D felony, and his flight from 1379 Halsey Street upon being placed under arrest.

A warrantless entry into one's home requires consent or exigent circumstances. Kentucky v. King, 131 S. Ct. 1849 (2011) specifies the following exigencies constituting reasonable circumstances to conduct a warrantless entry: emergency aid, hot pursuit, or a need to prevent imminent destruction of evidence. In order to enter premises under the hot pursuit exception to the Fourth Amendment's prohibition against warrantless entry, officers must have probable cause to arrest an individual while he or she is outside the private location to be entered, and the arrest must have been set in motion in a public place prior to the individual's flight into the private location. People v. Skinner, 284 A.D.2d 906 (2001). People v. Dunn, 480 U.S. 294 (1987) outlines four factors in determining whether a backyard is part of the protected curtilage of a home: the proximity of the area to the home; whether the area is within an enclosure surrounding the home; the nature and uses to which the area is put; and the steps taken by the resident to protect the area from observation by passerbys. (07 Board Review)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation B- Discourtesy: PO Ryan Galvin spoke rudely to § 87(2)(b) and § 87(2)(b)

In his in-person statement to the CCRB, § 87(2)(b) alleged that PO Galvin, as he moved towards § 87(2)(b) on the steps leading to the front door of § 87(2)(b) said, “You fuck.” § 87(2)(b) also stated that after he closed the door, he § 87(2)(b) PO Galvin say, “I’m going to get in your fucking house.” However, he did not allege that any officer used profanity during his initial phone statement four days prior. § 87(2)(b) denied that PO Galvin made any statements immediately before grabbing him, and did not allege that any officer used profanity. § 87(2)(b) did not hear any officer use profanity. § 87(2)(b) s video captured only § 87(2)(b) cursing at the incident location, but no statements by any officers. PO Galvin denied using any profanity towards a civilian. No other officers interviewed witnessed this allegation.

§ 87(2)(b), § 87(2)(g)

Allegation C– Force: PO Ryan Galvin used physical force against § 87(2)(b) and § 87(2)(b)

It is undisputed that § 87(2)(b) fell down the stairs from the upper to the lower landing.

§ 87(2)(b) alleged that he was standing on the small upper landing outside of the front door when PO Galvin ran up the stairs and rear-cuffed him without incident. He alleged that PO Galvin held onto the handcuffs, twisted his body, and threw him off of the upper landing. He denied that PO Galvin pushed or pulled him. § 87(2)(b) landed on the side of his left arm, injuring his elbow and ankle, which hit one of the stairs. § 87(2)(b) stated that he closed the door as he saw PO Galvin come up the stairs. Despite his commentary at the end of his video noting that the officers “must have threw § 87(2)(b) off of the landing, § 87(2)(b) acknowledged during his CCRB interview that he had not actually seen any officer make physical contact with § 87(2)(b) and could not see any prior events before observing § 87(2)(b) body apparently “fly” from the height of the upper landing.

PO Galvin stated that § 87(2)(b) body was in the way of the front door, but did not recall if he was positioned in the doorway or on the landing. PO Galvin stated that he told § 87(2)(b) to move, and used his hands to push § 87(2)(b) on his side, in order to move him aside. PO Galvin did not recall in what direction he pushed § 87(2)(b). The force of the push was just enough to move him out of the way. PO Galvin denied grabbing § 87(2)(b) or throwing him off of the stairs. PO Galvin stated that he did not see what happened to § 87(2)(b) after the push, and was not aware of any commotion behind him as he walked into the house. Sgt. Powers did not recall any officer making physical contact with § 87(2)(b) as they walked past. PO Galvin and Sgt. Powers denied ever seeing § 87(2)(b) on the ground, and their viewing of the video did not change their recollection of the incident.

PO Amundson, from the sidewalk, observed a struggle he could not describe beyond involving grabbing on the upper torso and which was moving around on the small landing. He could not tell who was grabbing whom. PO Amundson next saw § 87(2)(b) stumbling down the steps, with no officer touching him. PO Amundson did not see § 87(2)(b) feet leave the steps or see his body fly through the air. Lt. Sung did not recall how § 87(2)(b) was taken into custody, and his viewing

the video did not change his recollection of the incident. Sgt. Madho, PO Giannina, and PO Alexander stated that they did not witness any part of § 87(2)(b) arrest.

§ 87(2)(b) alleged that immediately after PO Galvin entered the house, he pushed § 87(2)(b) backwards onto the stairs leading up to the second floor. PO Galvin and Sgt. Powers did not recall encountering any civilians inside the house. No other interviewed officers witnessed this allegation.

Because of § 87(2)(b)'s position two houses east of § 87(2)(b) his cell phone video did not capture any events on the landings, steps, front door, or inside the house. The video showed that within 10 seconds of PO Galvin and Sgt. Powers coming around the driveway, PO Amundson is lifting § 87(2)(b) from the lower landing and bringing him to the sidewalk. The video does not show how § 87(2)(b) body came to fall forcefully onto the lower landing. The video contradicts § 87(2)(b) statement that he was handcuffed before being thrown off of the stairs, as PO Amundson handcuffed him after he was lifted off of the sidewalk. Given this significant exaggeration, it is plausible that § 87(2)(b) may have mischaracterized other elements of the incident. However, it is equally plausible that in the heat of the moment, in those ten seconds, PO Galvin employed more force than he acknowledged, or that he pushed § 87(2)(b) in the direction of the steps. Without clear video footage of the events at the top of the stairs, it remains unclear whether § 87(2)(b) was intentionally thrown, was forcefully pushed, or if he accidentally tripped, resulting in his falling down the stairs.

§ 87(2)(b) § 87(2)(b) medical records revealed that he sustained an abrasion to his left elbow, swelling and bruising to his left wrist and hand, and tenderness to his left ankle, which are injuries consistent with a fall to the ground, onto his left side.

§ 87(2)(b), § 87(2)(g)

Allegation D- Abuse of Authority: Sgt. Erek Powers supervised the entry of § 87(2)(b) in Brooklyn.

It is undisputed that the only structural access point to the backyard of § 87(2)(b) which is completely enclosed by a six-foot fence, was through the back door of the house. It is undisputed that Sgt. Powers and PO Galvin explained to § 87(2)(b) and § 87(2)(b) that they needed to reach the officers who were in the backyard of § 87(2)(b) and that § 87(2)(b) and § 87(2)(b) refused consent. It is undisputed that § 87(2)(b) attempted to close the front door before the officers could enter. It is undisputed that Sgt. Powers and PO Galvin entered § 87(2)(b) and that PO Perez and § 87(2)(b) who were in the backyard, walked out through the front of the house. It is undisputed that the officers did not touch anything inside the house or walk anywhere other than to the backyard and back to the front door.

Although PO Perez did not recall any difficulty in handcuffing § 87(2)(b) by himself, Sgt. Powers and PO Galvin recalled witnessing several seconds of a physical struggle neither could describe further between § 87(2)(b) and two officers in the backyard before they ran back around to the front of § 87(2)(b). Both officers stated that the fence was too high for them to climb over. They stated that at

the time they left, § 87(2)(b) was not yet handcuffed, and they did not recall hearing any radio transmissions noting that § 87(2)(b) was secured.

§ 87(2)(b) alleged that his front door was damaged by an officer's kicks. Sgt. Powers and PO Galvin denied personally kicking the front door or seeing another officer do so.

The SPRINT Event Summary and radio communications file showed § 87(2)(b) as moving towards the rear of the houses along Covert Street. A male voice yelled, "Somebody got him, I hear him," and another male voice asked if § 87(2)(b) was in custody, which were followed by an absence of any response. Another minute and a half elapsed before a male voice confirmed § 87(2)(b) was secured.

Officers may enter a private location without a warrant or consent if there is an emergency. They must have reasonable grounds to believe that there is an immediate need for their assistance in the protection of life or property, without a motivation to arrest or seize evidence. People v. Dallas, 8 N.Y.3d 890, 891 (2007).

Because the backyard was fully enclosed by a high fence which he had managed to jump over, PO Perez was at a tactical disadvantage to subdue § 87(2)(b) should § 87(2)(b) have violently resisted. Based on § 87(2)(b)'s flight from the scene of his arrest, and his desperate attempts to evade the multitude of officers chasing him, it was reasonable for Sgt. Powers and PO Galvin to fear that § 87(2)(b) posed a safety threat to the PO Perez and any other officers trapped in the backyard with him, despite the brevity and limited nature of their observations of the struggle. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation E- Abuse of Authority: PO Ryan Galvin drew his gun.

§ 87(2)(b) alleged that PO Galvin drew his gun as he walked through the house towards the back door. PO Galvin and Sgt. Powers denied this, and no other officer interviewed witnessed this allegation. § 87(2)(g)

Allegation F- Discourtesy: An officer spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that an officer he could not see said to § 87(2)(b) something to the effect of “Don’t move, or I’ll fucking [content indiscernible to § 87(2)(b)] was unable to be contacted by the CCRB and PO Perez, Sgt. Powers, and PO Galvin, the three officers identified by the investigation as present for this allegation, did not acknowledge using profanity or hearing another officer do so. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

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Team:

Investigator: _____
Signature Print Date

Supervisor: _____

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Title/Signature	Print	Date

Reviewer: _____

Title/Signature	Print	Date
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Reviewer: _____

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